

### **REMARKS/ARGUMENTS**

The Final office action of December 8, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-16 and 19-22 and 26-35 remain pending in this application. Claims 17, 18 and 23-25 were previously canceled without prejudice or disclaimer.

Claims 1-11 and 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,088,671 to Gould et al. ("Gould") in view of U.S. patent no. 5,386,494 to "White" and claims 12-16, 19-22 and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over this combination and further in view of U.S. patent no. 6,075,534 to VanBuskirk et al. ("VanBuskirk"). Applicants respectfully traverse these rejections.

### **SECTION 102 REJECTION**

#### ***Claims 1-11***

Independent claim 1 is directed to a method for use in a computing device having a microphone and a button and calls for, among other features, activating the microphone, receiving a user input actuating the button, placing the device in a dictation mode if the user input actuating the button is of a first type, and placing the device in a command mode if the user input actuating the button is of a second type, wherein the device identifies spoken words as text in the dictation mode, and as commands in the command mode.

The action asserts that Gould discloses a button at col. 2, lines 64-67 and "receiving a user input on the button" at col. 3, lines 22-45 (as an Utt interrupt signal). However, the Office Action's assertions are erroneous.

Gould discloses at col. 2, lines 64-67 a speech recognition system including a microphone 12 and a sound card 16 (see col. 2, lines 64-67 and FIG. 1). Gould fails to teach or suggest a microphone and a button. The Office Action fails to address this deficiency in Gould.

The Utt interrupt signal of Gould (equated to "receiving a user input on the button" by the Office Action) notifies the CPU each time a batch of speech frames is sent via a digital data signal and is an output from the digital signal processor (DSP). The DSP outputs the Utt interrupt signal if the volume of speech frames exceeds a predetermined speech threshold (e.g., 20 dB) – see col. 3, lines 11-14. Hence, the Utt signal is generated by the DSP and does not constitute

“receiving a user input actuating the button.” In fact, there is no button associated with the Utt signal at all.

Claim 1 further recites placing the device in a dictation mode if the user input actuating the button is a first type and placing the device in a command mode if the user input actuating the button is of a second type. The Office Action cites Gould at col. 10, lines 3-6 and col. 11, lines 9-16. However, contrary to the Office Action’s assertion, Gould fails to teach or suggest these features. Rather, Gould discloses at col. 10, lines 3-6 and at col. 11, lines 9-16 a user re-executing speech recognition software. This is unrelated to a device being placed in a particular mode. In fact, Gould explicitly discloses that the “advantage” of the invention (of Gould) is that a user is *not* required “to switch between separate command and dictation modes.” Col. 2, lines 14-15. Therefore, Gould also fails to teach or suggest separate command and dictation modes.

The Office Action correctly states that Gould fails to teach or suggest actuating a button. Indeed, Gould fails to teach or suggest a button of any kind at all much less actuating one. The Office Action relies on White to make up for this deficiency of Gould. However, White fails to cure the deficiencies of Gould.

The Office Action cites White, FIG. 6, elements 115, 117, 119, and 121. However, FIG. 6 of White merely discloses a method in which speech recognition is activated in a system (STEP 107), the system receiving a voice command from a user (STEP 109), and displaying the command on a display (STEP 111). The user may confirm the displayed command (STEP 115). If the displayed command is incorrect, the user may select an alternate command (STEP 119) from a display of alternate commands (STEP 117). If the displayed command is correct (STEP 121), then the user releases the voice button to deactivate the speech recognition function.

Even assuming that White discloses actuating a button as the Office Action asserts, White still fails to teach or suggest that actuating a button places a device in a particular mode. Indeed, White fails to teach or suggest different modes at all.

To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, Gould and White, either alone or in combination, fails to teach or suggest all the claim features. Therefore, it is respectfully submitted the rejection should be withdrawn.

In addition, there would have been no motivation for one of ordinary skill in the art to modify Gould with White as proposed by the Office Action. Gould discloses a system of speech recognition without the use of buttons. Input voice information is processed and recognized by a CPU. There is no disclosed need and no disclosed advantage to introduce a button into the Gould system. Indeed, a button would have been unnecessary in the Gould system.

The Office Action asserts that one of ordinary skill in the art given the voice recognition system of Gould, would have been motivated to modify the Gould disclosure based on the White disclosure by adding a button because doing so “would advantageously allow for the user to correct system recognition.” See Office Action, page 3. This alleged “motivation” makes no sense because Gould already discloses a method to “correct” the recognition (without a button) in which the “CPU ... re-recognizes the user’s previous utterance and generates keystrokes or scripting language commands to cause the application that called the speech recognition software to delete the previously typed text (FIG. 15c).” See Gould, col. 10, lines 1-11, under “COMMAND CORRECTION.”

Therefore, one of ordinary skill in the art, given the Gould disclosure in which recognition correction is already provided and in which a button is not used, would not have been motivated to modify Gould based on White to “allow for the user to correct system recognition” because this function was already provided by Gould. Nor would one of ordinary skill in the art have been motivated to add a button to Gould based on White because 1) there is no disclosed need or benefit to adding a button in the Gould system and 2) adding a button fails to address the Office Action’s proposed “motivation” of providing a correction system (i.e., Gould discloses a correction system without a button and adding a button to the Gould system is unrelated to providing a means to “correct system recognition”).

In view of the foregoing, independent claim 1 is patentably distinct from Gould and White. Claims 2-11, which directly or indirectly depend from claim 1, are also distinguishable from Gould and White for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein.

***Claims 30-35***

The action applies Gould and White to reject claim 30 in substantially the same manner as utilized with respect to claim 1. Thus, to the extent that the features of claim 30 and claim 1 are similar, claim 30 is patentably distinct from Gould and White. Claims 31-35, which directly or indirectly depend from claim 30, are also distinguishable from Gould and White for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Gould and White, either alone or in combination, is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 31, 32 and 34.

**SECTION 103 REJECTION**

***Claims 12-16***

The action acknowledges that Gould and White, either alone or in combination, does not teach or suggest the features recited in claims 12-16, which ultimately depend from claim 1. To overcome these deficiencies, the action relies on VanBuskirk.

Contrary to the action's assertion, VanBuskirk fails to remedy the defects of Gould and White. As set forth in the prior amendment, VanBuskirk also lacks a teaching or suggestion of receiving a user input *actuating* the button, placing the device in a dictation mode if the user input is of a *first type*, and placing the device in a command mode if the user input is of a *second type*. At most, VanBuskirk discloses an on/off button (pointing with a mouse to the minibar and clicking) as part of a multiple function GUI for speech recognition which combines the recognized text field, the on/off button, and a volume meter into a single component. Neither Gould, White, nor VanBuskirk, alone or in combination with the other, contemplates placing the device in a dictation mode *if the user input actuating the button is of a first type*, and placing the device in a command mode *if the user input actuating the button is of a second type*. The Office Action fails to address this deficiency in Gould, White, and/or VanBuskirk.

Claim 13 recites that the button has multiple states of depression, and the first and second types of user input are first and second states of depression of the button. VanBuskirk does not provide any teaching or suggestion of a button having multiple states of depression. VanBuskirk merely describes a multi function GUI which represents the states of different parameters, such

as the current volume level and whether navigation or dictation mode is active. Pointing and clicking with a mouse at the minibar only involves on/off functionality such that there is only a single user input type or state of depression available for actuating the minibar.

In light of the above, even assuming, but not admitting, that one skilled in the art would have modified Gould and White with VanBuskirk, the invention of claims 12-16 would not have resulted.

#### ***Claims 19-21***

The action alleges that the combination of Gould, White, and VanBuskirk results in the invention of independent claim 19. Applicants submit that the combination of Gould, White, and VanBuskirk lacks a teaching or suggestion of a second program module, stored in memory, for causing a processor to enter a command mode responsive to a manner in which a button is pressed; and a third program module, stored in the memory, for causing the processor to enter a dictation mode responsive to a manner in which the button is pressed. As ostensibly discussed above, neither Gould, White, nor VanBuskirk enter a command or dictation mode responsive to a manner in which a button is pressed as recited in claim 19. Indeed, VanBuskirk describes nothing more than a single manner of pressing a mouse button while pointing at the minibar. Claims 20 and 21, which depend from claim 19, are patentably distinct from the combination of Gould, White, and VanBuskirk for the same reasons as claim 19, and further in view of the novel features recited therein.

#### ***Claims 22 and 26-29***

Claim 22 is directed to a computing device including a first button, a second button, and a microphone. The claim 22 computing device activates the microphone and enters a command speech recognition mode if the first button receives a first user input, and the computing device activates the microphone and enters a dictation speech recognition mode if the second button receives a second user input, wherein the first user input is a press and hold of the first button, and the device remains in the command speech recognition mode while the first button is held, and exits the command speech recognition mode after the first button is released. Neither Gould, White, nor VanBuskirk alone or in combination teaches or suggests, among other features, that the first user input is a press and hold of the first button, and the device remains in the command

speech recognition mode while the first button is held, and exits the command speech recognition mode after the first button is released. VanBuskirk merely describes turning the microphone on and off by pointing to the minibar user interface and clicking a mouse button.

Claims 26-28 are patentable over the applied art for the same reason as claim 22 and further in view of the additional advantageous features recited therein. For example, the combination of Gould, White, and VanBuskirk lacks a teaching or suggestion of the claim 27 feature of the second user input being a press and hold of the second button, and the device remaining in the dictation speech recognition mode while the second button is held, and exits the dictation speech recognition mode after the second button is released.

Claim 29 is also directed to a computing device including a first button, a second button, and a microphone. The claim 29 computing device activates the microphone and enters a command speech recognition mode if the first button receives a first user input, and the computing device activates the microphone and enters a dictation speech recognition mode if the second button receives a second user input, wherein the device switches between the command speech recognition mode and the dictation speech recognition mode if one of the first or second buttons is pressed and held while the device is in one of the command or dictation speech recognition modes. The combination of Gould, White, and VanBuskirk does not result in the claim 29 computing device including the feature of the device switching between the command speech recognition mode and the dictation speech recognition mode if one of the first or second buttons is pressed and held while the device is in one of the command or dictation speech recognition modes.

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Reply to Office Action of December 8, 2005

**CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All objections and rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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